

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

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**FORTY-FOURTH LEGISLATIVE DAY  
TUESDAY, FEBRUARY 21, 2012**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused – Hartgen, Higgins, Nielsen, Stevenson.

Total – 4.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Aubrianne Christensen, Page.

### Approval of Journal

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-third Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

### Consideration of Messages from the Governor and the Senate

February 20, 2012

Mr. Speaker:

I transmit herewith [SCR 112](#) and [SCR 117](#) which have passed the Senate.

NOVAK, Secretary

[SCR 112](#) and [SCR 117](#) were filed for first reading.

February 20, 2012

Mr. Speaker:

I return herewith [HJM 7](#) and [HJM 4](#) which have passed the Senate.

NOVAK, Secretary

[HJM 7](#) and [HJM 4](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

February 21, 2012

Mr. Speaker:

I return herewith enrolled [H 404](#), as amended in the Senate, which has been signed by the President.

NOVAK, Secretary

Enrolled [H 404](#), as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

### Report of Standing Committees

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 564](#), [H 565](#), [H 566](#), [H 567](#), [H 568](#), and [H 569](#).

WILLS, Chairman

[H 564](#) was referred to the Education Committee.

[H 565](#) was referred to the Business Committee.

[H 566](#) was referred to the Health and Welfare Committee.

[H 567](#), [H 568](#), and [H 569](#) were referred to the State Affairs Committee.

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 452](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 452](#) was filed for second reading.

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 521](#) and recommend that it do pass.

NONINI, Chairman

[H 521](#) was filed for second reading.

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 482](#) and [H 484](#) and recommend that they do pass.

BARRETT, Chairman

[H 482](#) and [H 484](#) were filed for second reading.

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, request that [SCR 115](#) be returned to the Desk for re-referral.

BLOCK, Chairman

[SCR 115](#) was referred to the Environment, Energy, and Technology committee.

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 500](#), [H 501](#), and [HJM 10](#) and recommend that they do pass.

MCGEACHIN, Chairman

[H 500](#), [H 501](#), and [HJM 10](#) were filed for second reading.

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 486](#) and report it back with amendments attached to be placed on General Orders for consideration.

MCGEACHIN, Chairman

[H 486](#) was placed on General Orders for consideration.

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 534](#) and recommend that it do pass.

NONINI, Chairman

[H 534](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

### **Motions, Memorials, and Resolutions**

#### **HOUSE CONCURRENT RESOLUTION NO. 39 BY EDUCATION COMMITTEE A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND  
URGING SUPPORT OF IDAHO STUDENTS LEARNING IN  
THE ARTS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, prosperous Idaho communities and profitable Idaho businesses require an educated workforce; and

WHEREAS, by 2018, 61% of all jobs in Idaho will require postsecondary education, growing at twice the rate of jobs that do not require postsecondary education; and

WHEREAS, state and national technological and industrial leadership in global business depends upon ongoing creativity; and

WHEREAS, attainment of that leadership requires a high level of preparation in reading, writing, speaking, mathematics, sciences, literature, history and the arts; and

WHEREAS, study in the arts improves reading and language skills, mathematical skills, critical thinking skills, social skills, motivation to learn and supports a positive school environment; and

WHEREAS, arts learning contributes to developing the creative capacities at the core of innovations that are vital to our economy; and

WHEREAS, students who took four years of arts coursework outperformed their peers who took one-half year or less of arts coursework by 58 points on the verbal portion and 38 points on the math portion of the SAT; and

WHEREAS, Idahoans are committed to our children's education; and

WHEREAS, Idaho parents, educators and other community-minded citizens demonstrate generosity of service and spirit toward the education of our children.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature supports sequential learning in the arts curriculum and the use of arts to enhance learning across the academic curriculum and encourages sharing resources across rural communities that have limited access to arts programs and

that the Legislature supports utilizing innovative instructional modalities to enhance arts learning.

BE IT FURTHER RESOLVED that the Legislature of the State of Idaho supports the use of local resources such as arts organizations, teaching artists, volunteers and interns to enhance arts learning.

#### **HOUSE JOINT MEMORIAL NO. 11 BY STATE AFFAIRS COMMITTEE A JOINT MEMORIAL**

TO THE IDAHO SECRETARY OF STATE, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES AND TO THE PRESIDING OFFICERS OF EACH HOUSE OF THE SEVERAL STATE LEGISLATURES, REQUESTING THEIR COOPERATION IN APPLYING FOR THE AMENDMENTS CONVENTION LIMITED TO THE SUBJECT MATTER CONTEMPLATED BY THIS APPLICATION.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Article V of the Constitution of the United States provides authority for a Convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution upon application of two-thirds of the legislatures of the several states ("amendments convention"); and

WHEREAS, the Legislature of the State of Idaho favors the proposal and ratification of an amendment to the said Constitution which shall provide that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that:

Section 1. That, as provided for in Article V of the Constitution of the United States, the Legislature of the State of Idaho herewith respectfully applies for an amendments convention to be called for the purpose of proposing an amendment which shall provide that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

Section 2. That the amendments convention contemplated by this application shall be entirely focused upon and exclusively limited to the subject matter of proposing for ratification an amendment to the Constitution providing that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

Section 3. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made application for an equivalently limited amendments convention.

Section 4. BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the Idaho Secretary of State, to the President of the United States Senate and the Speaker of the United States House of Representatives, to the congressional delegation representing the State of Idaho in the Congress of the United States, and to the presiding officers of each house of the several state legislatures, requesting their cooperation in applying for the amendments

convention limited to the subject matter contemplated by this application.

**HOUSE JOINT MEMORIAL NO. 12  
BY STATE AFFAIRS COMMITTEE**

**A JOINT MEMORIAL**

TO THE FEDERAL COMMUNICATIONS COMMISSION, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Idaho's economy depends on the success of our rural communities, and Idaho's diverse terrain and unique culture is why our rural communities have such incredible character; and

WHEREAS, difficult terrain should not impede Idaho citizens from affordable access to broadband technology, because the survival of rural communities depends on continued access to advanced broadband technology; and

WHEREAS, broadband is a critical infrastructure like sewer, water, and electricity; and

WHEREAS, broadband connections from White Bird north to Grangeville do not exist and must be routed out of state; and

WHEREAS, there are not as many access hubs connecting rural communities to existing fiber optic cables throughout rural Idaho, thereby limiting access to effective broadband internet; and

WHEREAS, topographical challenges make internet infrastructure improvements very difficult and expensive; and

WHEREAS, rural municipalities and community facilities including hospitals and libraries are unable to maximize the use of internet technologies to their fullest potential; and

WHEREAS, the Idaho Transportation Department right-of-way is a barrier to some telecom providers, and permitting could be streamlined; and

WHEREAS, the Idaho Public Utilities Commission is encouraged to take the lead role in bringing together state agencies, local governments and tribal governments to facilitate a discussion about shared infrastructure and network openness.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Federal Communications Commission and the Idaho congressional delegation to support the continued use and economic vitality of the Universal Service Fund, the Connect America Fund and other resources to accelerate broadband telecommunications development in Idaho and other rural and frontier states.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the Federal Communications Commission, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**HOUSE CONCURRENT RESOLUTION NO. 40  
BY EDUCATION COMMITTEE**

**A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE, REJECTING THE GOVERNOR'S CHANGE IN EMPLOYEE

COMPENSATION RECOMMENDATION AND STATING POLICY TOWARD FUNDING RECOMMENDATIONS REGARDING PAY POLICIES FOR STATE EMPLOYEES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature has by law provided that the Governor and Division of Human Resources report to the Legislature their recommendations for proposed pay policies, together with the estimated costs thereof; and

WHEREAS, the Governor in his 2012 Budget Address to the Legislature proposed in essence a one-time three percent Change in Employee Compensation increase for state employees; and

WHEREAS, the Legislature desires to provide a merit increase component to recognize and reward state employees in the performance of public service to the citizens of Idaho pursuant to section 67-5309C, Idaho Code; and

WHEREAS, the Legislature recognizes the need to maintain a responsible spending pattern.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Governor's recommendation for Change in Employee Compensation contained in his 2012 Budget Address to the Legislature is hereby rejected and that a two percent merit-based ongoing change in employee compensation be adopted for all classified and nonclassified permanent employees.

BE IT FURTHER RESOLVED that appropriations measures to fund nonclassified employees be prepared in as nearly as possible the same manner as for classified employees.

**HOUSE CONCURRENT RESOLUTION NO. 41  
BY EDUCATION COMMITTEE**

**A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE, REJECTING THE GOVERNOR'S CHANGE IN EMPLOYEE COMPENSATION RECOMMENDATION AND STATING POLICY TOWARD FUNDING RECOMMENDATIONS REGARDING PAY POLICIES FOR STATE EMPLOYEES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature has by law provided that the Governor and Division of Human Resources report to the Legislature their recommendations for proposed pay policies, together with the estimated costs thereof; and

WHEREAS, the Governor in his 2012 Budget Address to the Legislature proposed in essence a one-time three percent Change in Employee Compensation increase; and

WHEREAS, the Legislature recognizes the need to maintain a responsible spending pattern.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Governor's recommendation for Change in Employee Compensation contained in his 2012 Budget Address to the Legislature is hereby rejected.

BE IT FURTHER RESOLVED that appropriations measures to fund nonclassified employees be prepared in as nearly as possible the same manner as for classified employees.

HCR 39, HJM 11, HJM 12, HCR 40, and HCR 41 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SCR 112, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

SCR 117, by Agricultural Affairs Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 570  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO THE PEACE OFFICER AND DETENTION OFFICER TEMPORARY DISABILITY ACT; AMENDING SECTION 72-1104, IDAHO CODE, TO REVISE PROVISIONS RELATING TO COMPENSATION AND COSTS; AND PROVIDING A SUNSET DATE.

**HOUSE BILL NO. 571  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO ABSENTEE VOTING; AMENDING SECTION 34-1003, IDAHO CODE, TO PROVIDE A DUTY FOR THE COUNTY CLERK; AMENDING SECTION 34-1004, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 34-1007, IDAHO CODE, TO REVISE PROCEDURES FOR TRANSMISSION OF ABSENTEE BALLOTS TO THE POLLS; AMENDING SECTION 34-1008, IDAHO CODE, TO REVISE PROCEDURES REGARDING DEPOSIT OF ABSENTEE BALLOTS; AMENDING CHAPTER 10, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1012, IDAHO CODE, TO PROVIDE ALTERNATIVE PROCEDURES FOR ABSENTEE VOTING AND EARLY VOTING; AND AMENDING CHAPTER 10, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1013, IDAHO CODE, TO PROVIDE PROCEDURES FOR EARLY VOTING BALLOT SECURITY.

**HOUSE BILL NO. 572  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO CONSOLIDATION OF ELECTIONS; AMENDING SECTION 22-2721, IDAHO CODE, TO REVISE PROCEDURES FOR ELECTION OF SUPERVISORS OF SOIL CONSERVATION DISTRICTS; AMENDING SECTION 34-217, IDAHO CODE, TO REVISE THE YEARS CERTAIN COUNTY RECORDS MUST BE RETAINED AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-411, IDAHO CODE, TO REVISE REQUIREMENTS FOR APPLICATION OF AN ELECTOR'S REGISTRATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-411A, IDAHO CODE, TO REVISE PROCEDURES FOR CHANGING PARTY AFFILIATION IN PRIMARY ELECTIONS; AMENDING SECTION 34-704, IDAHO CODE, TO REVISE PROCEDURES REGARDING DECLARATION OF CANDIDACY; AMENDING SECTION 34-903, IDAHO CODE, TO PROVIDE THAT NO CANDIDATE'S NAME MAY APPEAR ON A BALLOT FOR MORE THAN ONE PARTISAN OFFICE; AMENDING SECTION 34-1206, IDAHO CODE, TO REVISE WHAT MUST BE INCLUDED IN THE BOARD OF COUNTY CANVASSER'S STATEMENT; AMENDING SECTION 34-1702, IDAHO CODE, TO REVISE INFORMATION ON CERTAIN RECALL PETITIONS; AMENDING SECTION 34-1707, IDAHO CODE, TO REVISE PROCEDURES REGARDING THE SUFFICIENCY OF A RECALL PETITION; AMENDING SECTION 34-2305, IDAHO CODE, TO REVISE BALLOT RECOUNT

PROCEDURES; AMENDING SECTION 34-2307, IDAHO CODE, TO PROVIDE THAT THE COUNTY PROSECUTING ATTORNEY FOR DISTRICT OFFICES SHALL REQUIRE A RECOUNT BE MADE WHEN CERTAIN CIRCUMSTANCES OCCUR; AMENDING SECTION 34-2412, IDAHO CODE, TO REMOVE LANGUAGE REGARDING COMPOSITION OF PRECINCT ELECTION BOARDS; AMENDING SECTION 34-2413, IDAHO CODE, TO REVISE PROCEDURES FOR PREPARATION OF VOTING MACHINES FOR USE; AMENDING SECTION 34-2424, IDAHO CODE, TO REVISE PROCEDURES WHEN PAPER BALLOTS ARE USED IN CONJUNCTION WITH VOTING MACHINES; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 573  
BY EDUCATION COMMITTEE  
AN ACT**

RELATING TO GROUP INSURANCE; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5761B, IDAHO CODE, TO PROVIDE FOR HEALTH SAVINGS ACCOUNTS FOR STATE EMPLOYEES, TO DEFINE TERMS, TO PROVIDE FOR CONTRIBUTION OF FUNDS TO A HEALTH SAVINGS ACCOUNT BY STATE EMPLOYEES, TO PROVIDE FOR A CHOICE OF HIGH-DEDUCTIBLE HEALTH PLANS AND TO AUTHORIZE THE DEPARTMENT OF ADMINISTRATION TO PROMULGATE RULES.

**HOUSE BILL NO. 574  
BY APPROPRIATIONS COMMITTEE  
AN ACT**

APPROPRIATING ADDITIONAL MONEYS FROM THE GENERAL FUND AND DIRECTING A TRANSFER TO THE CATASTROPHIC HEALTH CARE FUND FOR FISCAL YEAR 2012; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 575  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO TRADEMARKS; AMENDING SECTION 48-504, IDAHO CODE, TO REVISE THE PROVISIONS FOR FILING OF APPLICATIONS FOR TRADEMARKS; AND AMENDING SECTION 48-510, IDAHO CODE, TO REQUIRE TRADEMARK RENEWAL APPLICATIONS TO USE THE INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 576  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO LEVY ELECTIONS; AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-439A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO DISCLOSURES IN ELECTIONS IN A TAXING DISTRICT THAT PROPOSES TO SUBMIT A QUESTION TO ELECTORS THAT WOULD AUTHORIZE A LEVY.

**HOUSE BILL NO. 577  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS MEDAL OF HONOR; AMENDING SECTION 67-8803, IDAHO CODE, TO REVISE



PROVISIONS RELATING TO WHEN CERTAIN MEDALS ARE AWARDED.

**HOUSE BILL NO. 578**  
**BY STATE AFFAIRS COMMITTEE**  
**AN ACT**

RELATING TO LEGAL TENDER; PROVIDING LEGISLATIVE FINDINGS AND STATEMENT OF POLICY; AMENDING CHAPTER 46, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4601, IDAHO CODE, TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 46, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4602, IDAHO CODE, TO PROVIDE DEFINITIONS; AMENDING CHAPTER 46, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4603, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE DESIGNATION OF CERTAIN LEGAL TENDER; AMENDING CHAPTER 46, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4604, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE PROHIBITION OF CERTAIN FORMS OF TAXATION UPON CERTAIN TRANSACTIONS AND TO PROVIDE FOR A CIVIL SUIT AND THE AWARDING OF CERTAIN COSTS; AND PROVIDING SEVERABILITY.

**HOUSE BILL NO. 579**  
**BY EDUCATION COMMITTEE**  
**AN ACT**

RELATING TO EMPLOYMENT OF RETIRED TEACHERS OR ADMINISTRATORS; REPEALING SECTION 3, CHAPTER 131, LAWS OF 2007, RELATING TO EMPLOYMENT OF CERTAIN RETIREES; AND AMENDING SECTION 59-1356, IDAHO CODE, TO REMOVE A SUNSET PROVISION.

[H 570](#), [H 571](#), [H 572](#), [H 573](#), [H 574](#), [H 575](#), [H 576](#), [H 577](#), [H 578](#), and [H 579](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

[HCR 37](#) and [HCR 38](#), by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

Mr. Raybould asked unanimous consent that [HCR 32](#) be returned to the Environment, Energy, and Technology Committee. There being no objection, it was so ordered.

**[H 448](#) - FEES**

[H 448](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [H 448](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Barrett, Bateman, Batt, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, Eskridge, Gibbs, Hart, Henderson, Jaquet, Killen, King, Lacey, Luker, McMillan, Nessel, Patrick, Pence,

Perry, Raybould, Ringo, Rusche, Shirley, Smith(30), Smith(24), Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 40.

NAYS – Andrus, Barbieri, Bayer, Bedke, Boyle, Crane, DeMordaunt, Ellsworth, Hagedorn, Hartgen, Harwood, Lake, Loertscher, Marriott, McGeachin, Moyle, Nielsen, Nonini, Palmer, Roberts, Schaefer, Shepherd, Simpson, Sims, Thayne, Vander Woude, Wood(35). Total – 27.

Absent and excused – Guthrie, Higgins, Stevenson. Total – 3.

Paired Votes:

AYE -- Thompson

NAY -- Hartgen

AYE -- Luker

NAY -- Harwood

AYE -- Wills

NAY -- Nielsen

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [H 448](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

**[H 497](#) - DNA TESTING**

[H 497](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hart to open debate.

The question being, "Shall [H 497](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Hagedorn, Hart, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Guthrie, Hartgen, Harwood, Higgins, Nielsen, Stevenson, Wills. Total – 7.

Total – 70.

Whereupon the Speaker declared that [H 497](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

**[H 490](#) - STATE SUNSHINE LAW**

[H 490](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth to open debate.

The question being, "Shall [H 490](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Hagedorn, Hart, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – Smith(24). Total – 1.

Absent and excused – Guthrie, Hartgen, Harwood, Higgins, Nielsen, Stevenson, Wills. Total – 7.

Total – 70.

Whereupon the Speaker declared that [H 490](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### **[H 439](#) - UNIFORM CONTROLLED SUBSTANCES**

[H 439](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

Mr. Luker moved that [H 439](#) be placed on General Orders for consideration. Seconded by Mr. Bedke.

The question being, "Shall the motion carry?"

Whereupon the Speaker declared the motion carried by voice vote and [H 439](#) was placed on General Orders for consideration.

#### **[H 441](#) - INDIGENT HEALTH CARE**

[H 441](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall [H 441](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Hartgen, Higgins, Nielsen, Roberts, Stevenson, Wills. Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 441](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### **[H 442](#) - NURSING ADMINISTRATOR-IN-TRAINING**

[H 442](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Loertscher to open debate.

The question being, "Shall [H 442](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin,

DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Black, Hartgen, Higgins, Nielsen, Stevenson, Wills. Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 442](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### **[H 506](#) - URBAN RENEWAL LAW**

[H 506](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 506](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Sims, Thayne, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 47.

NAYS – Bateman, Buckner-Webb, Burgoyne, Chew, Cronin, Jaquet, Killen, King, Lacey, McGeachin, Pence, Ringo, Rusche, Simpson, Smith(30), Smith(24), Thompson, Trail. Total – 18.

Absent and excused – Hartgen, Higgins, Nielsen, Stevenson, Wills. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 506](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

#### **Adjournment**

Mr. Moyle moved that the House adjourn until 10:30 a.m., Wednesday, February 22, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:39 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk